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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Letter dated 1 May 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that Burkina Faso has declared its candidacy for election to a seat on the Human Rights Council for the period 2008-2011, in the elections to be held in New York on 16 May 2008.

The Group of African States has officially endorsed Burkina Faso's candidacy on behalf of the West African States.

Burkina Faso wishes to help strengthen the efforts of the States Members of the United Nations to promote and protect all human rights for all. These rights form the cornerstone of the country's policy.

Accordingly, it pledges to pursue this aim at the national, regional and international levels.

I am transmitting herewith a document setting out Burkina Faso's voluntary pledges and achievements with respect to human rights (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly.

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative

08-33574 (E) 130508 140508

Annex to the letter dated 1 May 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the General Assembly

Candidacy of Burkina Faso for a seat on the United Nations Human Rights Council

Burkina Faso declares its candidacy for a seat on the Human Rights Council for the period 2008-2011.

The Group of African States has officially endorsed Burkina Faso's candidacy on behalf of the West African States.

The promotion and protection of human rights are the cornerstones of Burkina Faso's policy.

This interest springs from a strong desire to strengthen the rule of law, fundamental rights and individual freedoms, and is given its highest expression in the Constitution's enshrinement of human rights as founding values of the State.

The preamble to the Constitution expresses the endorsement by the people of Burkina Faso of the 1948 Universal Declaration of Human Rights and the international instruments on political, economic, social and cultural rights, and solemnly reaffirms their commitment to the 1981 African Charter on Human and Peoples' Rights. Title I of the Constitution deals with basic human rights and duties.

These constitutional principles were the inspiration for Burkina Faso's national policy and for its action plan and policy plan setting out the six guiding principles for Government action to promote and protect human rights. These are: human rights education; strengthening of the legal framework; adaptation of domestic legislation to the international instruments that Burkina Faso has ratified; strengthening, consolidation and protection of civil and political rights; strengthening, consolidation and protection of economic, social and cultural rights; and protection of the rights of specific groups.

The principles underpinning the Constitution and national policy have given rise to a legal framework that covers all areas related to human rights and have resulted, inter alia, in the emergence of a dynamic civil society.

With a view to further protecting human rights and individual and collective rights and ensuring the implementation, follow-up and strengthening of its human rights policies and actions, the State has established a Ministry for the Promotion of Human Rights.

The Ministry is also responsible for the implementation of specific measures to promote, strengthen and protect the rights of specific groups: women, children, older persons and persons with disabilities, among others.

Burkina Faso has concluded a number of bilateral agreements on a variety of subjects, such as trafficking in children and child labour, trafficking in persons, etc.

At the regional level Burkina Faso is actively involved in efforts to promote and protect human rights. Since its accession to the African Charter on Human and Peoples' Rights and to various regional instruments, Burkina Faso has been a

regular participant in the work of the African Commission on Human and Peoples' Rights, which it chaired from 2003 to 2007.

Within the United Nations, Burkina Faso has always conducted itself as a responsible State that honours its commitments and obligations and stands ready to play a proactive, constructive role. Accordingly, it has participated in a number of fact-finding and outreach missions of the Special Committee on Decolonization, of which it has been an active member.

Burkina Faso is a party to the major human rights conventions adopted under the auspices of the United Nations. It signed the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, as well as the International Convention for the Protection of All Persons from Enforced Disappearance, after having participated fully in the negotiations on both instruments.

Having been elected twice to serve as a member of the United Nations Commission on Human Rights, Burkina Faso contributed actively to the work and the deliberations of that international body to monitor the implementation of human rights throughout the world.

Burkina Faso strongly supported the establishment of the Human Rights Council and takes part in its sessions as an observer.

Considering that the Human Rights Council plays a vital role in promoting universal respect for and protection of all human rights and individual freedoms, its work would undoubtedly be enriched by the above-mentioned experiences if Burkina Faso were elected to the Council.

Because Burkina Faso is irreversibly committed to the rule of law, it staunchly upholds the principles of democracy, social justice and the protection of human rights. If elected to the Human Rights Council, it will contribute transparently and effectively to the Council's work.

Accordingly, Burkina Faso pledges to continue and to intensify its efforts, policy and activities to protect and promote human rights at the national, regional and international levels by means of the following actions, among others:

- Support for the work of the Office of the United Nations High Commissioner for Human Rights;
- Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted on 13 December 2006;
- Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006;
- Continued efforts to stop trafficking in children and child labour;
- An ongoing commitment to the campaign to prevent the involvement of children in armed conflict;
- Intensified efforts at the national level to combat the practice of female genital mutilation;
- Measures to strengthen its policy for protecting the rights of specific groups;

– Continued efforts to carry out widespread educational initiatives on human rights and fundamental freedoms;

– Increased efforts to ensure that perpetrators of human rights violations do not go unpunished.

In order to achieve these aims and succeed in this common endeavour, Burkina Faso requests the General Assembly to support its candidacy.

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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 5 May 2008 from the Permanent Mission of Zambia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Zambia to the United Nations presents its compliments to the President of the General Assembly at its sixty-second session and has the honour to inform him that the Government of the Republic of Zambia has decided to present its candidature to the United Nations Human Rights Council for the term 2008-2011 in the elections to be held on 21 May 2008 in New York.

In accordance with General Assembly resolution 60/251, an aide-memoire on Zambia's achievements, voluntary pledges and commitments towards the universal promotion and protection of human rights is attached herewith (see annex).

08-33538 (E) 140508

Annex to the note verbale dated 5 May 2008 from the Permanent Mission of Zambia to the United Nations addressed to the President of the General Assembly

Aide-memoire: voluntary pledges and commitments of the Republic of Zambia on human rights in accordance with resolution 60/251

1. The Republic of Zambia remains committed to promoting universal respect for the advancement of all human rights and fundamental freedoms for all. Zambia is also committed to the promotion of the effective coordination and the mainstreaming of human rights within the United Nations system.

2. Zambia's Constitution recognizes and declares that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual regardless of race, place of origin, political opinion, colour, creed, sex, or marital status. The main guiding principle of Zambia's Foreign policy which relates to human rights also clearly states that there can be no meaningful development without the full protection of fundamental human rights and freedoms. Furthermore true peace can only be achieved when these rights and freedoms are fully protected and promoted and enjoyed by all. These fundamental principles have shaped Zambia's development in the socio-economic, political and cultural spheres and indeed Zambia's engagement in international affairs.

Zambia's International Human Rights Record

3. As a member of the Human Rights Council, Zambia remains committed to the promotion and Protection of human rights and this can be seen from the measures taken in ensuring that Government meets its international human rights obligations. It should be stated that Zambia is up to date with its international and regional state party reporting obligations.

4. Zambia has played an active role in key human rights organizations at the United Nations. As a member of the Human Rights Commission, which has since been abolished, in 1980-1982, 1991-1993, 2000-2002 respectively; and a founding member of the Human Rights Council in 2006, Zambia participated and continues to participate in major deliberations on various aspects of human rights and took important decisions which contributed to advancing human rights globally.

5. Zambia is party to the following United Nations human rights treaties namely:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child

6. *Other related Human Rights Instruments to which Zambia is Party*

- African Charter on Human and People's Rights (ACHPR)
- United Nations Convention relating to the Status of Refugees
- United Nations Protocol relating to the Status of Refugees
- Four Geneva Conventions of 1949
- Protocols to the Geneva Conventions
- Seven International Labour Organization Fundamental Human Rights Conventions
- Rome Statute of the International Criminal Court (ICC)

7. Zambia is also a party to regional initiatives aimed at promoting gender equality and empowerment of women such as the Southern African Development Community (SADC) Declaration on Gender and Development and its addendum on the Prevention of Violence against Women and Children.

Zambia's Domestic Human Rights Record

Legislative and Administrative Measures

8. The Government of Zambia is pleased to report some of the Legislative and Administrative Measures that have been undertaken in enhancing human rights as follows:

9. At the national level, the National Plan of action for Human Rights for the period 2002 to 2009 was adopted in 1999. This plan of action shall continue to provide guidance and a framework for the effective promotion and protection of human rights in Zambia.

10. A number of Institutions have been instrumental in promoting human rights in Zambia:

I. Human Rights Commission

The human Rights Commission was established in 1996 specifically to focus on protection and promotion of human rights. The Commission whose mandate includes the investigation of human rights violations; mal-administration of justice and proposes effective measures to prevent human rights abuses, has since its inception enhanced its accessibility through a decentralization programme which has seen the establishment of provincial offices; thematic Committees on gender equality rights, children's rights, civil and political rights, economic, social and cultural rights and the committee against torture; partnership and collaboration with various stakeholders; establishment of a prohibited immigrant's fund and a complaints data base. The Commission, whose services are free, publishes its report annually. The report is a public document which is also tabled before Parliament and gives the state of human rights in the country.

II. **Police Public Complaints Authority**

The Police Public Complaints Authority (PPCA) which commenced its operations in 2002, addresses public complaints against police misconduct in order to secure individual fundamental human rights and freedoms and achieve professionalism in the Zambia Police Service.

III. Other Institutions such as the Law Association of Zambia and the Civil Society and Non Governmental Organizations (NGOs) have partnered with Government in advocating and ensuring that human rights are promoted and respected.

Other Legislative and Administrative Measures

I. In the area of Discrimination against women, Zambia has finalized the 5th and 6th periodic report on the CEDAW and will soon present the report to the CEDAW Committee for its consideration.

II. In the area of gender based violence, especially against women and children, the penal code has been amended to introduce stiffer penalties for perpetrators of gender violence including sexual offences. Zambia has also domesticated in part the provisions of CEDAW as they relate to violence against women.

III. Government has ratified the Optional Protocol of the African Charter on Human and Peoples Rights on the Rights of Women.

IV. The Government has also constituted the Victim Support Unit (VSU) and the Sex Crimes Unit within the police service to address reports on gender violence and particularly violence against women and children.

V. Zambia also wishes to facilitate debate on the Gender Based Violence Bill through the Law Development Commission.

VI. The Citizenship Empowerment Act of 2006, prohibits discrimination on grounds of gender. The Act has also facilitated the establishment of the Economic Empowerment Commission which provides for gender equality in accessing, owning, controlling, managing and exploiting economic resources.

VII. Zambia Development Agency Act of 2006 mandates the Agency to recommend, to the Minister responsible for Trade, coherent trade and industry development strategies which promote gender equality in accessing, owning, managing, controlling and exploiting economic resources. It also encourages, supports and facilitates the creation of micro and small scale business enterprises and promotes women's participation in trade and industry. Through this Act, it is recognised that, women who form a large part of the informal sector and predominantly reside in rural areas shall benefit from the initiatives contained therein.

VIII. The establishment of the Parliamentary Committee on Legal Affairs, Governance, Human Rights and Gender Matters is an effective tool in monitoring the actions of central Government with regard to the rights of women and children. The recommendations of the Parliamentary Committee are given full board and attention because of the impetus that they add in assisting central Government in the implementation of women and children's rights. The Committee in 2006, recommended that there was need to strengthen the legislation on human trafficking.

IX. Zambia ratified the protocol to prevent and Suppress and Punish Trafficking in Persons especially women and Children (Palermo Protocol) Supplementing the United Nations Convention Against Trans-national Organized Crime.

X. In the Area of Disabilities, the government intends to formulate and implement inclusive policies programmes and legislation in order to promote the full participation, equality and empowerment of persons with disabilities.

XI. Zambia has ratified the ILO conventions granting the right to just and favourable conditions of work and the right to form and join a trade union. The said conventions were domesticated through a 1997 legislative amendment to the Industrial and Labour Relations Act.

XII. Zambia recognizes the right of everyone to social security including social insurance and has ratified ILO convention NO. 103 and has in existence the National Pensions Scheme Act and the Workers Compensation Fund Control Board Act which are the national legislation on social security and protection against occupational hazards meant to secure the right to social security for all concerned.

XIII. The Employment of Young Persons Act, prohibits the employment of a child under the age of 14 years in any public or private industrial undertaking and makes it an offence for any one to do so.

XIV. The National Food & Nutrition Commission Act, establishes the Nutrition Commission to address the issues of disseminating knowledge of the principles of nutrition in furtherance of affording the right to food and adequate standard of living.

XV. The Education Act and other provisions relating to corporal punishment were amended in 2003 abolishing corporal punishment in schools and other places.

XVI. The Commission for Investigation (Commission for Investigation No. 2 of 1991) was established with the function to receive and investigate complaints from the public against acts of injustice or mal-administration perpetrated by senior Government officials, heads of parastatal institutions and local authorities. The Commission ensures fairness by promoting social justice in the administration of public institutions.

XVII. Through the Societies Act NGOs have been registered to among other things sensitize and educate members of the public on issues of human rights and also offer legal assistance to the vulnerable.

XVIII. The Constitution recognizes the right of persons to legal representation of their choice and in this regard the Government has established the Legal Aid Department which provides free legal services to people facing serious criminal offences who can not afford to pay for a private lawyer.

PLEDGES AND COMMITMENTS IN HUMAN RIGHTS

11. *International Commitments*

I. Zambia as a member of the Human Rights Council will continue to support the Council and work closely with other members of the Council and Observers to safe guard and promote the universal respect for the protection of human rights and fundamental freedoms for all and promote the effective coordination and mainstreaming of human rights within the United Nations system.

II. Zambia is committed to the institutions that have been created by the Council including the Universal Periodic Review Mechanism.

III. Zambia will continue to work in the Council towards strengthening these structures to ensure that the Council develops into a strong body that is transparent, non selective and promotes dialogue and cooperation with Member States. It should be noted that Zambia will be reviewed in May 2008 and therefore pledges to fully cooperate with the Universal Periodic Review Mechanism during and after the review process.

IV. Zambia will continue to support the Office of the High Commissioner on Human Rights (OHCHR), which represents the world's commitment to universal ideals of human rights. We welcome in that regard the increased funding to the office to enable it carry out its mandate of promoting and protecting human rights.

V. Zambia will continue to respect the provisions of protocols relating to human rights both regionally and globally.

VI. Zambia undertakes to ratify the Convention on the Rights of Persons with Disabilities and shall endeavour to also sign and ratify the Optional Protocol thereto that was adopted by the General Assembly on 13 December 2006 and was open for signature on 30 March, 2007.

VII. Zambia will accelerate the process of signing the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

VIII. Zambia will also speed up the process of signing the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women.

Zambia having been host to refugees for four decades shall continue to work closely with the UNHCR in supporting refugees and performing its international protection responsibilities, thereby ensuring that its obligations are met with regard to international human rights and humanitarian law.

Zambia having supported the United Nations in the maintenance of International Peace and Security will continue to contribute to United Nations Peace-keeping Operations by providing military, police and civilian personnel to Peace-keeping Operations around the world, including in Darfur (UNAMID), Democratic Republic of the Congo (MONUC), Ethiopia/Eritrea (UNMEE), Kosovo (UNMIK), Liberia (UNMIL), Sierra Leone (UNIOSIL), Southern Sudan (UNMIS) and Timor- Leste (UNMIT).

12. ***Domestic Commitments***

I. Zambia has developed a Fifth National Development Plan for the period 2006-2010 which has prioritized the promotion and protection of human rights. One of the activities that will be undertaken in order to achieve this objective is the domestication of international human rights treaty provisions which are not already part of Zambian legislation.

II. Zambia will continue to cooperate with United Nations human rights treaty bodies by meeting deadlines for submission of periodic reports and acting on their concluding observations and recommendations. As earlier indicated Zambia is up to date with its international and regional State party reporting obligations. Zambia will also continue to participate in the discussions on the reform of treaty bodies in ensuring a more effective monitoring system.

III. Zambia has endeavoured to undertake human rights programmes that balance the different dimensions of human rights. For instance Government programmes are targeted towards the promotion of civil and political rights, economic social and cultural rights, and also specific rights of vulnerable groups including women children and the disabled.

IV. At the national level, the Government embarked on Constitutional and Electoral reforms by constituting the Constitutional Review Commission (CRC) and the Electoral Reform Technical Committee (ERTC) which have since submitted their reports to the Government. With regard to the CRC, Government has established a National Constitutional Conference to consider and deliberate the provisions of the draft Constitution. As far as the Electoral Act is concerned, the Government has moved further to amend the electoral act which regulates the conduct of elections in Zambia. The principal measure in this Act was that the Electoral Commission was explicitly empowered by law to ensure that parties participating in elections desist from corrupt practices. It is envisaged

that this measure will encourage citizens including women to participate freely in elections as voters and candidates.

V. Zambia will continue to work with civil society and NGOs in the promotion and implementation of human rights programmes.

VI. Zambia as a developing country faces numerous challenges in meeting various human rights obligations and development challenges particularly in the areas of poverty reduction, eradication of diseases such as malaria, tuberculosis and HIV/AIDS; and meeting national and internationally agreed development goals. Zambia is however committed to addressing these challenges and with the assistance and cooperation of the international community particularly in the areas of building capacities of its national institutions and legal systems and developing human resources in the field of human rights, will strive to ensure that it provides for its citizens.